



STATE REPRESENTATIVE

RICH ZIPPERER

AB326- Theft of Services

What it Does

Under current law, it is unlawful to obtain lodging, food, gasoline, taxicab services, or admission to an entertainment venue and intentionally refusing or failing to pay the bill. This bill expands the prohibition to fraudulently obtaining any service from a merchant who generally provides a service to customers without a contract, such as spa service, hairdressers, and many other small businesses.

This bill came about because of a case in southeast Wisconsin, dubbed in the local news as “the spa bandit”, in which an Illinois man received hundreds of dollars worth of spa services at a Brookfield spa and left without paying the bill. He was later caught in Illinois for similar crimes and prosecuted under Illinois’ Theft of Service Statute, something that is lacking in Wisconsin’s law.

Penalties under the bill are the same as the current penalties for committing fraud on the above mentioned industries.

- Service value \$2,500 or less, Class A misdemeanor (up to \$10,000 fine)
- Service value over \$2,500, Class I felony (up to \$10,000 fine, up to 3 years and 6 months imprisonment, or both)

AB326 History

AB 326 is identical to amended 2007 AB 503, which was amended on the floor through a bipartisan effort of Reps. Zipperer and Staskunas. It was then approved on a voice vote in the Assembly, and unanimously (5-0) by the Senate Committee on Judiciary, Corrections and Housing before running out of time for the session.

Supporters of 2007 AB 503 and 2009 AB 326 Include:

- Waukesha District Attorney Brad Schimel
- Brookfield Assistant Chief of Police Dean Collins
- Milwaukee Police Association
- Wisconsin District Attorney’s Association
- Wisconsin Manufacturing and Commerce
- Wisconsin Independent Businesses Inc.
- Wisconsin Sheriff’s and Deputy Sheriff’s Association
- Wisconsin Innkeepers Association